

ORDINANCE Chapter 38 ENVIROMENT, ARTICLE IV NOISE, Section 38-122

In accordance with and pursuant to Section 1-8 entitled Amendments to Code, **Section 38-122** of the Code of Ordinances, Rhode Island, is hereby amended to read as follows:

ARTICLE IV. NOISE

Sec. 38-122. Sound variances.

- (a) The town council shall have the authority, consistent with this section, to grant sound variances from this article after a public hearing.
- (b) Any person seeking a sound variance shall file an application with the town clerk. The application, available at the town clerk's office, shall demonstrate that complying with the regulations would cause an unreasonable hardship on the applicant, on the community or on other persons.
- (c) All applications shall include a filing fee sufficient to cover notice and advertising, as may be set from time to time by the town council. Notice by first class mail shall be given to all property owners within 200 feet of the real property boundary of the lot on which the noise source is located. In addition, advertisement shall be made at least once, seven days prior to the public hearing, in a newspaper of general circulation in the town.
- (d) In determining whether to grant or deny an application, or revoke a variance previously granted, the council shall balance the hardship element against the adverse impact on the persons, property affected and any other adverse impact, if the sound variance is not allowed. Applicant shall be required to submit any information that the council may reasonably require in granting or denying an application or in revoking a sound variance previously granted. The council may impose conditions on the granting of a sound variance, in order to mitigate the impact of such variance on neighboring properties. When the application is requesting a long term/permanent sound variance, ~~the~~ the council shall cause to be recorded in the land evidence records a copy of the decision and the reasons for granting, denying or revoking the sound variance.
- (e) Sound variances shall be granted in writing to the applicant containing all necessary conditions. The variance shall not become effective until all conditions are agreed to by the applicant. Non-compliance with any condition of the variance shall terminate it and subject the person to those provisions of this article.

(Ord. of 3-26-07(2))